

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, JULY 26, 2005
9:00 A.M.**

AND

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, JULY 25, 2005
4:00 P.M.**

ROLL CALL

Invocation – Reverend Lisle H. Davis
Pledge of Allegiance

MAYOR'S PROCLAMATION

- 1. HONORARY CITIZENS**
- 2. AMERICANS WITH DISABILITIES ACT**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at www.cityclerks@elpasotexas.gov for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA**1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of July 19, 2005 and the Special City Council Meetings of July 14 and 15, 2005 (Budget Hearings) and July 18, 2005 (Agenda Review).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. That the Mayor be authorized to purchase from PVT America, the VISUM/VISSIM license for the Metropolitan Planning Organization (MPO), for which the El Paso MPO will pay a yearly maintenance fee of \$26,560.00 for each year the model is used, and that the MPO Director be authorized to sign any necessary documents associated with the license, provided that such documents do not require additional expenditure of funds above the \$26,560.00 yearly maintenance fee approved herein.

[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735, ext. 13]

3B. That the Mayor be authorized to sign an Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the New Mexico Department of Transportation (NMDOT) for the development and construction of a Regional Traffic Forecast Model. Total cost of the project is \$67,900.00 of which \$64,900.00 will be paid for by NMDOT and \$3,000.00 will be paid for by the MPO.

[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735, ext. 13]

3C. That the City Manager be authorized to sign a Combined Declaration of Use/Application for Renewal for the Gus & Goldie & Design registration with the United States Patent and Trademark Office.

[Parks and Recreation, Norman Merrifield, (915) 541-4331]

3D. That the City Manager be authorized to sign the Donation Agreement between the City of El Paso, on behalf of the Parks and Recreation Department, and Playground Connection, regarding the donation of specially designed barrier-free and developmentally advantageous playground where children with physical, sensory and developmental disabilities can play with siblings, friends and peers without disabilities, which will be utilized at Vista Del Valle Park. The value of the playground is estimated to be \$250,000. **(District 3)**

[Parks and Recreation, Norman Merrifield, (915) 541-4331]

4. REINSTATEMENT(S): Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

4A. Vanarsdall, Chandra – Public Safety Dispatch Shift Supervisor

[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

4B. Yadouga, Robert – Public Safety Dispatcher

[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

5. STAFFING TABLE CHANGE: [Purchasing Department, Byron Johnson, (915) 541-4308]

Purchasing

Delete	1.00	Secretary III	GS 19
Add	1.00	Administrative Assistant	GS 23

Fund Source: 07010021-501000-07000

6. BOARD RE-APPOINTMENT:

Miguel Grijalva to the Community Development Steering Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

7. BOARD APPOINTMENT:

Frederic Dalbin to the Building and Standards Commission by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4015]

8. BUDGET TRANSFER: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2005-1327 PARKS AND RECREATION

This budget transfer recognizes the revenue from a grant made by the Skyline Optimist Club for the Girl's Fastpitch Softball Program at Acosta Sports and appropriates money to pay independent contractors. **(Districts – All)**

Increase	\$5,100	to	51010215/P50020216302/406002	LocalGrntProc
Increase	\$5,100	to	51010215/P50020216302/502215	ContractsNOC

9. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

9A. Fiesta De Las Flores to hold a parade on August 27, 2005 from 10:00 a.m. to 12:00 p.m. Route: Start at Alright Parking on the corner of N. Campbell and E. Franklin, continue on N. Campbell to E. Main, turn right on E. Main to S. Oregon, turn left on S. Oregon to S. El Paso, turn right on S. El Paso to E. San Antonio, turn left on E. San Antonio to N. Campbell, turn left on N. Campbell and finish at Alright Parking on the corner of N. Campbell and E. Franklin. Approximately 300 persons, 50 vehicles will take part and 1,000 spectators are anticipated. This request includes permission to use amplification (10 microphones and 10 speakers). PERMIT # 05-088 [Rudy Hernandez] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 35 OFFICERS AND 35 VEHICLES. ESTIMATED COST TO CITY: \$639.00; ESTIMATED COST TO APPLICANT: \$4,611.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

9B. Roberto Contreras to block off Alicia Arzola between 12560 and 12572 on July 31, 2005 from 12:00 p.m. to 8:30 p.m. for a block party. Approximately 40 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices".

PERMIT # 05-091 [Roberto Contreras] **(District 6)**

NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 9C.** Parks and Recreation to use amplification (12 microphones, 6 amplifiers and 8 speakers) at Eastwood Park – 3001 Parkwood St. on July 31, 2005 and August 7, 2005 from 6:00 p.m. to 9:30 p.m. for outdoor concerts. Approximately 10 persons will take part and 1,000 spectators are anticipated. PERMIT # 05-093

[Enrique Valadez] **(District 5)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA

10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

- 10A.** An Ordinance authorizing the Mayor to sign a lease agreement between the City of El Paso and Skyline Optimist Club for the continued development of park and recreational facilities as well as services at the Skyline Youth Park, located at 5050 Yvette Avenue, El Paso, Texas for the term of ten (10) years, with renewal options. **(District 4)** [Parks and Recreation, Norman Merrifield, (915) 541-4331]

- 10B.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to delete the proposed Stanton Street extension between Arterial 1 and its existing termination point near Excalibur. **(District 1)** [Planning Research and Development, Chuck Kooshian, (915) 541-4033]

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2005 FOR ITEMS 10A - 10B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

11. PLANNING, RESEARCH AND DEVELOPMENT:

[Planning, Research and Development, George Sarmiento, (915) 541-4193]

Discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:

Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing.

POSTPONED FROM 06/28/05 AND 05/31/05: PUBLIC ITEM PLACED BY RICHARD SCHECTER

12. PUBLIC HEARING – CITY ATTORNEY: [City Attorney's Office, Jorge Villegas, (915) 541-4550]

An Ordinance amending Ordinance No. 012539, an Ordinance Granting a Franchise to El Paso Electric Company and Waiving Application Process, to extend the term of the Franchise through August 31, 2005.

NOTE: City Manager is requesting deletion of this item since the new Franchise was approved at the July 12, 2005 Council meeting.

13. PUBLIC HEARING – EL PASO WATER UTILITIES PUBLIC SERVICE BOARD:

[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]

Public Hearing pursuant to the Texas Parks & Wildlife Code to receive and consider clearly enunciated local preferences regarding the project known as the Pico Norte Park Elevated Reservoir Water Tank. The City Council is asked to find that (1) there is no feasible and prudent alternative to the use or taking of the 0.4 acre land site; and, (2) the project includes all reasonable planning to minimize harm to the land from the taking. Based on this finding, the City Council will be asked to approve going forward with the project. **(District 5)**

14. PUBLIC HEARING – PARKS AND RECREATION:

[Parks & Recreation, Norman Merrifield, (915) 541-4331]

An Ordinance authorizing the Mayor to sign a lease agreement between the City of El Paso and Alta Vista Optimist Club of El Paso, Texas, for the continued development of park and recreational services at the Alta Vista Park, located at Copia Street and Morenci Road, El Paso, Texas, for a term of ten (10) years, with renewal options. **(District 2)**

15. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

15A. Discussion and action on a Resolution approving a Detailed Site Development Plan, for a portion of Lot 1, Block 4, West Ten Development, El Paso, El Paso County, Texas (7430 Remcon Circle), pursuant to a special contract condition imposed by Ordinance No. 7982. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Remcon Medical Center, L.P. ZON05-00063 **(District 8)** [Planning, Research and Development, Christina Valles, (915) 541-4930]

15B. An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended (within specific 4 parcels recently sold in Public Service Board Northeast Master Plan).

(District 4) [Planning, Research and Development, Tae-Gyu Kim, (915) 541-4033]

POSTPONED FROM 07/12/05

15C. An Ordinance incorporating applicable portions of the El Paso Water Utilities' Public Service Board Northeast Master Plan as a specific study area plan into the City's comprehensive plan, *The Plan for El Paso*, and which plan shall amend the Plan for El Paso and the year 2025 General Land Use Map incorporated therein.

(District 4) [Planning, Research and Development, Mark Weber, (915) 591-4932]

POSTPONED FROM 07/12/05

15D. An Ordinance granting Special Permit No. ZON05-00038, to allow for a parking reduction on the property described as Lots 1 through 5 and a portion of Lot 6, Block 106 ½, Highland Park Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Plaza Properties. ZON05-00038 **(District 2)** POSTPONED FROM 07/19/05

[Planning, Research and Development, Christina Valles, (915) 541-4930]

15E. An Ordinance changing the zoning of Lot 7, Replat of a portion of Arcadia Subdivision, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo and Manuela Castaneda. ZON05-00041

(District 7) [Planning, Research and Development, Christina Valles, (915) 541-4930]

- 15F.** An Ordinance changing the zoning of a portion of Lot 4, Block 290, Vista del Sol Unit Eighty, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: GFA Limited Partnership. ZON05-00042
(District 7) [Planning, Research and Development, Christina Valles, (915) 541-4930]
- 15G.** An Ordinance changing the zoning of a portion of Lot 1, Block 3, Transmountain Commercial Park Unit Three, El Paso, El Paso County, Texas from C-4/C (Commercial/Condition) to R-3/C (Residential/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Louis Kennedy. ZON05-00045 **(District 1)**
[Planning, Research and Development, Christina Valles, (915) 541-4930]
- 15H.** An Ordinance granting a Special Privilege to Great Vibe, L.L.C. permitting the encroachment of a sidewalk café onto a portion of public right-of-way located at 209 South El Paso Street. (Annual Fee: \$300.00, SP-05014) **(District 8)**
[Planning Research and Development, Esther Guerrero, (915) 541-4720]
- 15I.** An Ordinance vacating a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas. Applicant: Zia Homes, Inc. EV05003 **(District 1)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 16. CITY MANAGER:** [City Manager, Joyce A. Wilson, (915) 541-4844]
City Manager's report of current events and issues.
- 17.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.
- Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- Discussion and action on the following:
- 17A.** Discussion and Action on Hernando Chavira; Docket No. 03-BP-12JO.
(551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 17B.** Litigation against Asarco to collect the costs of remediating properties in and around the El Paso metals site. (551.071)
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 17C.** ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

17D. ASARCO Particulate Reduction Contract. (551.071)
[City Attorney's Office, James A. Martinez, (915) 541-4550]

17E. *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34th District Court. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

17F. In the Matter of a Court of Inquiry Cecilio Soto, Cause No. 20040D01555 (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>